

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
et al.

Plaintiffs,

VS.

STATE OF WASHINGTON,

Defendants.

Case No: C70-9213

Subproceeding No. 01-1
(Culverts)

DEPOSITION UPON ORAL EXAMINATION

OF

Martin Fox, Ph.D.

9:30 a.m.

June 29, 2006

OFFICE OF THE ATTORNEY GENERAL
900 Fourth Avenue, Room 1995
Seattle, Washington

Katherine M. Cullman
CCR 3001

1 wanted to inventory what they had on the Reservation to provide
2 a more complete picture.

3 Q When did you first become aware of the state's culvert
4 inventory?

5 A I'm not sure of the date of the report on that, but through the
6 SSHIAP reports. Are you familiar with the SSHIAP?

7 Q Uh-huh.

8 A Culvert inventories were fairly extensive. The protocols,
9 according to the state manual, came out in the late '90s, the
10 counties were conducting rigorous reviews of culverts on county
11 roads. It was all in the late '90s, early 2000s.

12 Q Prior to publication of the state's inventory, had the
13 Muckleshoots done any work to assess impacts of state-owned
14 culverts?

15 A I'm sorry? Could you repeat that.

16 Q All right. Prior to -- well, let me ask it this way: Has the
17 Tribe done any work at any time to assess the impacts of
18 state-owned culverts on its fisheries?

19 A They may have. I didn't do those inventories directly. But
20 culverts have been of a concern to the fisheries department for
21 one. And I presume that culverts have been evaluated for fish
22 passage through the department.

23 Q Are you aware of any assessments that the Tribe has done of
24 state-owned culverts?

25 A Perhaps on an individual basis. But not as an overall

C E R T I F I C A T E

STATE OF WASHINGTON)
) SS
COUNTY OF KING)

I, Katherine Cullman, a Notary Public in and for the State of Washington, do hereby certify:

That the foregoing deposition was taken before me at the time and place therein set forth;

That the witness was by me first duly sworn to testify to the truth, the whole truth, and nothing but the truth; and the testimony of the witness and all objections made at the time of the examination were recorded by voice recognition by me, and thereafter transcribed under my direction;

That the foregoing transcript is a true record of the testimony given by the witness and of all objections made at the time of the examination, to the best of my ability.

I further certify that I am in no way related to any party to this matter nor to any of counsel, nor do I have any interest in the matter.

Witness my hand and seal this 14th day of July, 2006.

Katherine Cullman, Notary
Public in and for the State
of Washington, residing at
Kent. Commission
expires April 26, 2008.